Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

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" For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."
JOHN HAY.

On Picket Duty.

Let every subscriber read the notice printed in italics at the head of our editorial page.

Davitt says that he "favors the compensation of the landlords, not on principle, but as a practical politician." The great glory of Davitt's life hitherto has been his ideal championship of principles. As a "practical politician" he will sink into deserved insignificance.

John Swinton's withering denunciation of lawyers, printed in another column, cannot be commended too highly as a fiery and luminous index to the real sources of danger to the people's liberties; we would only supplement it by emphasizing the fact that, without the law, lawyers would be powerless for evil

Liberty's editorial, headed "Michael Davitt and his Seducer," was written before Davitt's arrival in this country. Statements since made by him show a wider difference between his scheme and that of Henry George than the cable reports of his Liverpool speech indicated. The variations, however, are not of sufficient importance to impair the substantial accuracy of our article. Therefore we leave it as originally written.

Patrick Ford tells a New York "Sun" reporter that "the question which Mr. Parnell's plan brings to our attention is whether it is better to have six hundred thousand landlords than ten thousand." Well, is not the question which the plan proposed by George, Ford, Davitt & Co. brings to our attention whether it is better to have one landlord than ten thousand? Liberty's question is whether it is best to have any landlords at all.

We suspect that Davitt begins to see his mistake, and, being honest, finds himself in a painfully awkward position. At any rate, his labored efforts to establish fine distinctions between himself and George on the one hand and between himself and Parnell on the other, and at the same time to unify the trio as practically of one and the same mind, are making "confusion worse confounded." This is what comes of attempting to be a "practical politician."

In America Mr. Davitt says that he does not intend to urge the adoption, or even the consideration, of his scheme. But in Liverpool, where he developed this scheme, he said: "I have promulgated my full programme, and I have only to say that from this night forth, so long as I have life to devote to the cause of Ireland, that life shall be devoted to furthering this programme in the interests of my countrymen." Can any one but a "practical politician" reconcile these statements?

"If peasant proprietary is conceded," says Mr. Davitt, "I am perfectly satisfied that the purchase money that must be advanced by the State for carrying out such a scheme will become the title-deed of the State to the land of Ireland, and that the nationalization of the land will be the consequence." We have always understood Mr. Davitt heretofore to claim that the landlords had no title to their estates. Will he explain, then, how the State can acquire a title by paying money to those who have no title? And will he point out, further, any one in whom a title to any natural wealth is vested and from whom it can be acquired, by purchase or any other method, by any man or organization of men? If he can do this, he can nip the labor movement in the bud, and enthrone capital as the absolute and permanent despot of mankind.

Mr. Davitt presents as one of the advantages of land nationalization the fact that it will levy all taxes on the tenant farmers and remove them from the commercial, professional, and industrial classes. The readiness of the average man to pay all the taxes himself and thus contribute to the support of the community is notorious. Imagine, then, the eagerness with which the Irish farmer will jump at this unparalleled chance! Was ever such nonsense soberly put forth before by an intelligent and honest man?

We know no better words in which to sum up our opinion of Mr. Davitt's plan and of Mr. Davitt himself than those of the "Pall Mall Gazette": "The scheme will not seriously bear looking at, and must be banished with its bitter foe, Orthodox Political Economy, to Jupiter and Saturn. But that is no reason why we should not do justice to the sincere and temperate spirit of Mr. Davitt's speech [at Liverpool]. Journalists have been writing their finest things about Garibaldi for the last few days. Suppose that they begin to see that Davitt is of no very different type."

Under Davitt's plan the amount of rent is to be governed by the necessities of the State, which exactly assimilates it to a tax. Under George's plan it is to be governed by the law of supply and demand and proportioned according to the relative values of different soils and locations. In both cases it is a burden unjustly imposed, but the latter has the economic merit of preserving the nature of rent in conformity with a well-defined and intelligible theory thereof. Of these two absurdities, equally criminal in their results, Liberty prefers George's as the more consistent.

This is the answer that "Honorius," of the "Irish World," makes to Davitt's proposal to constitute the British parliament Ireland's sole landlord: "There is but one peaceable and effective way to abolish the limitation imposed upon the Irish people through the power of the landlords to collect rents. The British parliament will never abolish that limitation. The people must do it themselves." A striking confirmation of the truth of "Honorius's" statement and its universal applicability came, a day or two after its publication, in a St. Petersburg cable dispatch, which announced that the peasants of one of the Russian villages had taken possession of the land in the neighborhood and apportioned it among themselves. "The landlords," the dispatch significantly added, "have appealed to the authorities for troops to dislodge them." From these few words the laborers of Ireland may learn a more valuable lesson than any that the author of "Progress and Poverty" or his new disciples will ever teach them.

One of the best illustrations of the fatality of Davitt's error, if he shall persist in it, is to be seen in the division it is already creating in the staff of the "Irish World" itself, which represents to an exceptional extent various phases of the best radical economic thought. What J. K. Ingalls and William Brown think of land nationalization is already well known to the readers of that paper; William Hanson has energetically combatted the theory in his pamphlet, "Riches and Poverty," and took pains, at a recent labor meeting in Jersey City, to express his disapproval of Davitt's course (a fact, by the way, which the "Irish World" carefully omitted from its report); "Trans-Atlantic" has repeatedly taken fundamental exceptions to the extraordinary economic propositions of his rival as foreign correspondent, Mr. George; and, as for "Honorius" and "Phillip," whose letters are, to thinking people, the most attractive and instructive portions of the paper, every one who has followed them need not be told how they will view the new departure. The "Irish World" without these men in active and hearty co-operation would be the "Irish World" with the bulk of its brains left out. And we say this without at all underrating the great abilities of Mr. Ford himself.

Mr. Davitt complains that people on this side of the water jumped hastily to conclusions based on the telegraphic summaries of his Liverpool speech instead of suspending judgment until the arrival of the full text. He certainly has a right to a judgment of his position in its whole length and breadth. But Mr. Davitt would not have been helped thereby in this case. His Liverpool speech is now before the public, and Liberty defies any man to put it by the side of his speech in New York last Monday night and reconcile the two. For instance, in New York, defending himself against the charge that he is working to hand over the land of Ireland to the English government, he said: "Serious objections have been taken to the nationalization of Ireland. It is feared that this will be the renunciation of a great principle that cannot be accepted. What I did mean, and mean now, is this: 'Self-government for Ireland and the nationalization of the land under the administration of an Irish parliament.'" Now, what did he say in Liverpool? "The proposal that the English government should become the owner, steward, or guardian of the soil of Ireland will at first sight appear to be one which involves a principle of renunciation that cannot be sanctioned by Irishmen who belong to the extreme or Nationalist party. . . . . The nationalization of the land of Ireland is no more a recognition of England's rule by us than is the payment of taxes. . . . . While I yield to no Irishman alive in my allegiance to the principle of Ireland's right to govern itself, I would infinitely prefer to deal directly with an English government than with the exacting and unscrupulous mercenaries, the Irish landlords." This language is unmistakable. If it does not mean that Mr. Davitt contemplates handing over the land of Ireland to the English government, it means nothing at all; and the audience that acquitted him of this charge did so from the warmth of their Irish hearts, and not from any clear perception of Mr. Davitt's real position. Liberty does not care a snap of her finger whether Mr. Davitt hands over the land of Ireland to an English or an Irish government, her grievance being that he should propose to hand it over to any government at all; but she does care a great deal whether he pursues his former straightforward, frank, outspoken course regardless of consequences, or twists and turns and equivocates in order to harmonize factions which at bottom have nothing in common and are really working for widely different ends.

Liberty.

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"A free man is one who enjoys the use of his reason and his faculties; who is neither blinded by passion, nor hindered or driven by oppression, nor deceived by erroneous opinions." — PROUDHON.

Notice to Subscribers.

During July and August, and possibly September, Liberty will appear monthly, after which fortnightly publication will be resumed. No. 24, therefore, will be published on July 22, and No. 25 on August 19.

The Red Cross Fund.

RECEIPTS TO JUNE 20, 1882.

Previously acknowledged,	$211.15
C. N. D., New York,	1.00
Sales of "English Tyranny and Irish Suffering,"	2.20
Ernst Loeser, New Orleans,	.50
Total,	$214.85

REMITTED TO NICOLAS TCHAIKOVSKY, LONDON.

March 31, Draft for £10, costing	$49.50
April 5, Draft for £10, costing	49.50
April 21, Draft for £10, costing	49.50
June 20, On hand,	66.35
	$214.85

Michael Davitt and his Seducer.

Omnipotent is the power of ideas: omnipotent for good when the ideas are sound; sometimes well-nigh omnipotent for evil when the ideas are at war with Liberty and true social order. When an idea germinates afresh and struggles till it can stand alone, there is abundant power and time to crush it in the bud, if it is false; but, when a false idea captures a whole army in a bunch and carries away the heads of its bravest and most sincere leaders, it is indeed a dire calamity.

Such a calamity we most deeply mourn in the late astounding new departure of Michael Davitt, whom we had been proud to contemplate as the coming man in the great agrarian struggle the seat of which is in Ireland, but upon the settlement of which humanity has more at stake than on any issue with which the world ever grappled.

Some two years ago Henry George came into the literary market with his work on "Progress and Poverty," in search of a publisher. He had long been prominent in the West as an agitator of the land and labor questions, and he, least of all, to say nothing of his fellows, presumably had never dreamed that any leading publishing house in America would consent to identify itself with his ideas. But, to the intense surprise of reformers, it was suddenly announced that the great publishing firm of the Appletons was to publish his book. When, after the fulfilment of this announcement, we went through the first few chapters of his work and took in his stirring indictment of capital, his masterly riddling of the Malthusian sophistry, and his graphic pen-pictures of the persistence of poverty in the midst of plenty, still greater did the wonder grow that a world-known publishing house should consent to scatter such wholesome truths.

But upon entering the chapters of Book III., the secret was woefully revealed. George here entered upon a defence of usury more damaging in its influence than the studied reasoning of Bastiat and the other political economists. Here was a prize that more than atoned for his mad nationalization schemes, which were not new, and which capitalists and landlords well understand can never obtain a lasting hold on the laboring masses. *A socialist and labor reformer defending usury!* This was a plum, however, too precious to be lost; and so, in the interest of capital and as an attack by the enemy on the opponents of usury, the book was launched on its career of notoriety.

Labor reformers and level-headed men on every hand, however, were quick to see the trap and discover the poison bait. Nearly every one of the writers for the "Irish World" who had built up its reputation as the ablest enemy of usury in existence was astonished, and made haste to record his protest. But some fatal genius had beclouded the master spirit of the "Irish World." It was admitted that a lamentable seduction had been accomplished.

The wily seducer was Henry George himself, and the victim was Patrick Ford. With subtle sophistry, aided by the soothing air of meekness which characterizes the author of "Progress and Poverty," he shadowed the intellect of Ford day and night for weeks until he had secretly accomplished his purpose. This done, he was ingratiated into the confidence of the Land League, and sent into more fruitful fields across the water.

The momentous accidents of the campaign all proved happy cards for George. Michael Davitt was sent to prison, and fortune so favored the successful seducer of Ford that "Progress and Poverty" was the only treatise on the land question that he was allowed to see. If the American money-grabbers in whose interest the Appletons published the work had themselves arranged it, they could not have executed a happier conspiracy with British landlords by which to capture Davitt, the "noblest Roman of them all." George boasts, in a letter to the "Irish World," that Davitt read and re-read his book several times. Alone, in the solitude of his cell, it was his only mental food. He saw no other work refuting its stealthy defense of usury and rent. It became his only love. Its unrefuted sophisms took root in the mind of Davitt. He, too, like the editorial recluse, Patrick Ford, was ripe for capture when the glad tidings of his release came to his ears.

Now was George's opportunity. As the cat shadows the mouse, he was quick upon the heels of the liberated Davitt. He hovered over his game with unremitting zeal. He sat beside his pillow in the first hours of his liberty. With siren tongue he inveigled the victim into his scheme of land nationalization, although the honest Davitt knew that it could not be carried out except by mortgaging his country to English rule under a terrible load of bond-usury. But usury is no offence in the eyes of George, provided the State becomes the sole usurer. Yea, he laboriously seeks to prove, in "Progress and Poverty," that usury is just, if but the State be endowed with a monopoly of it. But to the sad sequel, after the fellow-victim of Patrick Ford is securely bagged.

In his Manchester speech we find brave Michael Davitt — the man who once recorded his fame in letters of fire by declaring rent an immoral tax upon industry — advocating the bonding of his country to fifty years of English rule with the immoral tax payable in the form of interest. He had not even followed his master well, for George had always stood for the confiscation of the land to the national rent-gatherer, without compensation. Where now is the no-rent hero, whose words once smote the heart of landlordism like a thunderbolt? Verily — gone the way of that other victim, Patrick Ford, from whose "Irish World" the once glorious no-rent headings in mammoth type have departed, perhaps forever.

A deadly and disastrous calamity has divided the Land League movement. The Nationalists now have the Leaguers on the hip. Patrick Ford will find out before many weeks that his having fallen under the seduction of Henry George is the heaviest blow ever struck at his influence and the prestige of the "Irish World." To let go of the all-conquering weapon of no-rent in favor of the delusive phantom of George is an offence to Ireland and humanity almost deserving the name of treason. To swap no-rent for universal rent, with the State as sole monopolist, is serious business for the man who has so long gladdened the hearts of true reformers with his "Usury is theft" column. We regret exceedingly to speak in such caustic terms of the great "Industrial Liberator" and its proprietor, whom we love to cherish as the Irish Garrison, but to us the late turn in the tide of affairs is too serious and far-reaching in its consequences to be dealt with mincingly.

And what is it all about? What is the secret of this dangerous infatuation that has carried off the heads of Ford and Davitt? The secret is that which has ever taken captive those in whom an ingrained faith in salvation through authority and government is native. It cannot be that Patrick Ford has been induced by George to believe that usury is just. If so, then the "Irish World's" occupation is gone. The anti-usury column should be stricken out, and no more labor and type should be wasted in protesting against rent as the mammoth crime that afflicts humanity.

No, that is not the situation. But such is the amazing faith in governments which lurks in the brain of Ford that he has been induced to subscribe to the astonishing delusion that, if an immoral tax can be gathered solely by the State and distributed on communistic principles, the tax thereby becomes just and beneficent. According to this miserable logic theft becomes a virtue if one big boss thief can be crowned the sublime monopolist of it, in the hollow assumption that he will distribute the plunder equitably.

Sunk in the slough of this pitiable superstition, Michael Davitt stands accused of advocating communism by those whose former faith in him was unbounded. And we sorely regret to say that the accusation is just. The scheme of governmental distribution of the rent plunder can be nothing less, in the nature of the case, than unmitigated communism. Worse, it will be communism without equality. Thieves never divide plunder on a scientific basis. Governments, which exist solely for plunder, always divide the spoils among the few schemers who set themselves up as their figure-heads. Will George's new socialistic government do better than the old ones? To us it is evident that it will do vastly worse, for professional thieves become vicious and audacious in exact proportion to the richness of the spoils. George's *régime* of universal rent spoliation once established, the whole programme of Karl Marx's governmental supervision and robbery will be in order, for it is absurd to maintain that, if rent collection by government is proper, then interest collection, wages collection, and profit collection are not also logically proper. In short, whereas it is now only possible for laboring men to keep from starving by virtue of the limitations put upon legislative theft, under this new scheme the power of the few political thieves and their capitalistic backers is made boundless and beyond appeal. Are men like Patrick Ford and Michael Davitt gone mad that such infinite absurdity can possess them?

The source of George's wild scheme may be found in his utter oversight of the fact that the just basis of possession must first be fixed before any safe investigations can begin in economics. He bases the justice of rent on the various degrees of fertility of various soils, as does Ricardo. But he assumes that one individual can properly be possessor of many tracts of land, irrespective of occupation, cultivation, and improvement. Admitting that the title of such individual is valid in equity, then, of course, tenants will bid for the best parcels, the degree of fertility that will barely sustain life being the minimum of rent.

But the assumption that any individual can justly hold more parcels than he can personally occupy and cultivate is in its inception false; and, were the just basis insisted upon, rent would be totally impossible, since no one could be the landlord of more than his own domain. This George entirely overlooks, and assuming that individuals can properly become lords of vast and various domains, with various degrees of fertility, he proposes to take the business out of their hands, vest it solely in the government, and divide the spoils among all the people. In other words, he creates the spoils and then unseats the spoilers, instead of making them impossible in the first place by fixing upon a just basis of possession. Under the craze of this absurdity he would abolish "peasant

proprietorship" (peasant possession, we prefer to say) and substitute a despotic State monopoly of landlordism, when it is evident that the trouble is not in peasant proprietorship but in the disregard of the just basis of peasant possession and all other possession.

Taken all together, a more absurd and ridiculous tissue of economic error was never spun and published than George's scheme. That such unscientific and unsightly rubbish should have succeeded in obscuring the vision of men like Patrick Ford and Michael Davitt is as amazing as it is lamentable. Not because these fallible mortals count for more in themselves than others do we lament their misleadings, but because of the fact that circumstances have made them authority in this momentous struggle. We earnestly hope that they may be speedily led to see the error of their ways before the great Land League movement is irrecoverably divided against itself and its glorious promises brought to naught. But better, if need be, that the Land League should die than that George's monstrous craze should live.

"The Land for the People."

The Liverpool speech, it seems, was delivered by Davitt in response to a challenge from the English press to explain the meaning of the phrase, "The land for the people." We hope they understand it now.

"The land for the people," according to Parnell, appears to mean a change of the present tenants into proprietors of the estates by allowing them to purchase on easy terms fixed by the State and perhaps with the State's aid, and a maintenance thereafter of the present landlord system, involving the collection of rents by law.

"The land for the people," according to Davitt as explained at Liverpool, appears to mean a change of the whole agricultural population into tenants of the State, which is to become the sole proprietor by purchase from the present proprietors, and the maintenance thereafter of the present landlord system, involving the collection of rents in the form of taxes.

"The land for the people," according to George, appears to be the same as according to Davitt, except that the State is to acquire the land by confiscation instead of by purchase, and that the amount of rental is to be fixed by a different method of valuation.

"The land for the people," according to Liberty, means the protection (by the State while it exists, and afterwards by such voluntary associations for the maintenance of justice as may be destined to succeed it) of all people who desire to cultivate land in the possession of whatever land they personally cultivate, without distinction between the existing classes of landlords, tenants, and laborers, and the positive refusal of the protecting power to lend its aid to the collection of any rent whatsoever; this state of things to be brought about by inducing the people to steadily refuse the payment of rent and taxes, and thereby, as well as by all other means of passive and moral resistance, compel the State to repeal all the so-called land titles now existing.

Thus, "the land for the people" according to Liberty is the only "land for the people" that means the abolition of landlordism and the annihilation of rent; and all of Henry George's talk about "peasant proprietorship necessarily meaning nothing more than an extension of the landlord class" is the veriest rot, which should be thrown back upon him by the charge that land nationalization means nothing more than a diminution of the landlord class and a concentration and hundred-fold multiplication of the landlord's power.

The very fact that Mr. Davitt proposes to compensate the landlords should condemn his plan in advance. But, for curiosity's sake, let us look at his figures for a moment. He says that the Irish farmers now pay an annual rental of fifteen million pounds out of an annual product of sixty million pounds. After the nationalization of the land they would pay, first, a permanent tax of nine million five hundred thousand pounds to meet the costs of civil administration, and, second, a special annual tax for fifty years of seven million pounds to pay the interest and principal of the compensation money, — a total of sixteen million five hundred thousand pounds out of an estimated annual product of eighty million pounds. In short, the annual burden of the cultivator of the soil, for a half century to come, is to be reduced from twenty-five per cent. to twenty-one per cent. of the proceeds of his toil. What an enticing prospect! Really, the game seems hardly worth the candle. How long will the peasantry of Ireland maintain their present heroic attitude, how long will Irish-American generosity continue to empty its pockets, to attain so pitiful a result? Only, too, at the end of the fifty years, to find their tyrants more strongly entrenched than ever behind the new powers and opportunities which the nationalization scheme would give them, and themselves completely at their mercy.

George's proposal that rents shall be paid by all the people for the benefit of all the people is somewhat similar to that of the coöperationists who would have profits paid by all the people for the benefit of all the people. Only the coöperationists have at least the grace to actually redistribute the profits among the people in such a way that each may control the disposition of his share, while George adds the outrage of putting the total rental to such use as a majority of the people may dictate, regardless of the minority's right to spend its own money in its own way. To unsophisticated believers in Liberty, unacquainted with "practical politics," it seems the simpler, fairer, freer way to collect no profits or rents at all.

Law and Authority.

II.

[Translated from "Le Révolté."]

The law is a relatively modern product; for humanity existed centuries and centuries without any written law, not even engraven in symbols on stones at the entrance of temples. During that period the relations of men to each other were regulated by simple customs, by habits, usages, which constant repetition made venerable and which each acquired in his infancy, as he learned to procure his sustenance by hunting, cattle-raising, or agriculture.

All human societies have passed through this primitive phase, and even yet a large portion of humanity has no written laws. Tribes have manners, customs, —"a common law," as the jurists call it,—they have social usages, and these suffice to keep the members of the village, of the tribe, of the community, on good terms with each other. Even among our civilized selves, when we leave the large cities and go into the country, we still find the mutual relations of the inhabitants regulated, not according to the written law of legislators, but according to ancient customs generally accepted. The peasants of Russia, Italy, Spain, and even large sections of France and England have no idea of the written law. It thrusts itself into their life only to regulate their relations with the State; as for their relations with each other, sometimes very complex, they regulate them simply according to ancient customs. Formerly this was the case throughout the world.

An analysis of the customs of primitive peoples shows two very distinct currents running through them.

Since man does not live alone, he develops within himself feelings and habits useful in the preservation of society and the propagation of the race. Without the social sentiments, without the practices of solidarity, life in common would have been absolutely impossible. It is not the law that establishes them: they are anterior to all laws. Neither is it religion that prescribes them: they are anterior to every religion; they are found among all animals that live socially. They develop themselves by the very force of things, like those habits which, in animals, man calls instincts; they are the result of an evolution useful and even necessary to the maintenance of society in the struggle for existence which it has to sustain. Savages finally stop eating each other because they find it much more advantageous to apply themselves to some agricultural pursuit than to enjoy once a year the luxury of feeding on the flesh of an aged relative. In those tribes, absolutely independent and knowing neither laws nor chiefs, whose customs many a traveller has described, the members cease to settle their quarrels with the knife because the habit of living in society finally develops in them a certain feeling of fraternity and solidarity; they prefer to leave to third parties the settlement of their differences. The hospitality of primitive peoples; respect for human life; the sentiment of reciprocity; pity for the weak; valor, extending even to self-sacrifice in the interest of another, the practice of which is first learned towards children and friends, and then towards the other members of the community,—all these qualities are developed in man prior to the existence of laws and independently of any religion, just as among all sociable animals. These sentiments and practices are the inevitable result of social life. Without being inherent in man (as the priests and metaphysicians consider them), these qualities are the consequence of life in common.

But, by the side of these customs, necessary to the life of society and the preservation of the race, are produced in human associations other desires, other passions, and, consequently, other habits, other customs. The desire to rule others and impose on them one's will; the desire to seize the products of the labor of a neighboring tribe; the desire to subjugate other men in order to surround one's self with enjoyments without taking part in their production, while slaves produce all that is necessary to procure every pleasure for their master and satisfy all his passions, —these personal, selfish desires produce another current of habits and customs. The priest on the one hand, a charlatan who cultivates superstition and, after freeing himself from the fear of the devil, propagates it among others; the soldier on the other hand, a bully who urges on the invasion and pillage of his neighbors in order to return loaded with booty and followed by slaves,—both, hand in hand, succeed in imposing upon primitive societies customs advantageous for themselves, but tending to perpetuate their domination over the masses. Profiting by the indolence, the fear, the inertia of the multitude, and thanks to the constant repetition of the same acts, they at last establish permanently customs which become the solid basis of their rule.

To this end they cultivate first the spirit of routine which is so developed in man and which has attained so striking a degree in children, in all savage tribes, and which we also notice in animals. Man, especially when he is superstitious, is always afraid to change anything that exists; he generally reveres that which is old. "Our fathers did so; they managed to live in one way or another; they brought you up; they were not unhappy; do you the same!" say the old to the young whenever the latter wish to change anything. The unknown frightens them; they prefer to cling to the past, even though that past stands for misery, oppression, slavery. It may even be said that, the unhappier man is, the more he fears to change anything whatever through fear of becoming still more unhappy; a ray of hope and a few glimpses of comfort must penetrate his sorrowful hut before he can begin to wish for something better, to criticise his former manner of life, and to be willing to risk something in the hope of changing it. Until this hope has penetrated his being, until he has freed himself from the tutelage of those who utilize his superstitions and his fears, he prefers to remain as he is. If the young desire a change, the old utter a cry of alarm against the innovators. A savage, for instance, would rather suffer death than transgress the custom of his country, for in his infancy he was told that the slightest infraction of established customs would bring him misfortune and cause the ruin of the whole tribe. And even today how many politicians, economists, and so-called revolutionists act under the same impression in clinging to a vanishing past! How many have any other concern than to search for precedents! How many fiery innovators are but copyists of previous revolutions!

This spirit of routine which has its source in superstition, indolence, and cowardice has constituted the strength of oppressors in all ages; and in primitive human societies it was skilfully made use of by priests and military chieftains to perpetuate the customs, advantageous only for themselves, which they succeeded in imposing upon the tribes.

As long as this spirit of conservatism, skilfully turned to account, sufficed to assure the encroachment of chiefs upon the liberty of individuals; as long as the only inequalities between men were the natural inequalities not yet increased ten and one hundred fold by the concentration and power of wealth,—there was still no need of the law and the formidable machinery of courts and ever increasing penalties to enforce it.

But when society commenced to divide itself more and more into two hostile classes, one seeking to establish its dominion and the other seeking to withdraw itself therefrom, then the struggle began. The conqueror of today hastens to establish the accomplished fact; he seeks to render it undebatable, to make it holy and venerable by every means which the conquered can respect. The Law makes its appearance, sanctioned by the priest and supported by the weapons of the soldiers. It labors to establish firmly the customs advantageous to the ruling minority, and the military Authority undertakes to secure obedience to it. At the same time the soldier finds in this new function a new method of assuring his power; he no longer makes use of simple brute force; he is the defender of the Law.

But if the Law consisted simply of a collection of prescriptions advantageous only to the rulers, it would have difficulty in getting itself accepted and obeyed. Therefore the legislator confounds in one and the same code the two currents of customs of which we have spoken,—the maxims representing the principles of morality and solidarity developed by life in common and the commands forever consecrating inequality. Customs absolutely necessary to the very existence of society are skilfully mingled with practices imposed by the tyrants, and the masses are expected to respect both alike. "Do not kill!" says the Code, and, "Pay the priest his tithe!" it hastens to add. "Do not steal!" says the Code, and immediately after, "He who will not pay his tax shall have his arm cut off."

Such is the Law, and this double character it has retained up to the present time. Its origin is the desire of tyrants to perpetuate the customs which they have imposed for their own advantage. Its character is the cunning mixture of customs useful to society,—customs which have no need of the law to make them respected,—with those other customs which present no advantages except for the tyrants, are harmful to the masses, and are maintained only by fear of punishment.

No more than individual Capital born of fraud and violence and developed under the auspices of Authority has the Law, then, any title to the respect of men. Born of violence and superstition, established in the interest of the priest, the conqueror, and the rich exploiter, it must be abolished entirely on the day when the people shall see fit to break their chains.

We shall show this still more conclusively when we come to analyze in a succeeding article the ulterior development of the Law under the auspices of religion, authority, and the existing parliamentary system.

John Swinton on Lawyers.

At the mammoth meeting of workingmen recently held in Cooper Union, New York, to condemn the infamous provisions of the new penal code of that State, John Swinton paid his respects to the legal profession in the following energetic fashion:

In the business of subverting the liberties of our beloved country, I do not dread the soldier with his rifle, nor the conspirator with his mask, nor the fool, the fanatic, or the demagogue, nor the king in his regalia, nor the cleric with his tongue, nor the editor with his quill, nor Satan with his horns, nor yet the millionaire with his millions, if they have but a fair field. The man to be dreaded in this Republic is the shystering lawyer; legal machination is the thing of menace and danger. It is in this country especially that the people need to be on the alert against legal quibblers,—here where they swarm as they do nowhere else on the globe, not only in the courts, but in legislatures and their lobbies and in every place of power and greatness.

How often, when searching amid the ruins of popular liberties in the countries that once enjoyed them, do we come upon the tracks of the false lawyer? For what oppressor has he not found a legal subterfuge? For what deed of guilt has he not been ready to erect a legal bulwark? Do we not find him with a legal defense for any usurpation of every usurper, with a legal justification for any invasion of every birthright of man, with a legal quibble over every great popular franchise, with a legal glaze for every clear word of freedom, with legal pettifoggery against every establishment of right, with a legal weapon for nullifying every victory of progress, with a legal jimmy, as Major Haggerty lately said in the Assembly, to pry open every man's safe, with legal mechanism for tearing out every stone in the fabric of justice, or for rearing every pillar in the edifice of wrong?

Not a guilty deed has ever been perpetrated by power, not a base treason has ever been hatched against the Commonwealth, not a device has ever been set for the subversion of any popular right, but the false lawyer has stood ready to uphold it with the armament of false legality. He battered the Twelve Tables of Rome, he made of no effect the Ten Commandments of Moses, he stifled the genius of Magna Charta, and he is now scuttling the Constitution of the United States. For does not the whole spirit and intent of this new penal code contravene the spirit and intent of the great Constitution which guarantees freedom of speech, freedom of meeting, and every freedom of peaceful combination and lawful action? It does not need that one shall be a legist or a jurist to ask this question, or to answer it. It needs but that he have reason, the light that lighteneth every man who cometh into the world. Even the most ordinary people, exercising but their common sense, are quick in apprehending the main principles of right, quick in discovering the drift of evil schemes, however subtle; and as appears from this demonstration of to-night, they are quick, with but their plain sense as a guide, in detecting the spirit of hostility to their proper rights that animates the new penal code. In the case of the new penal code, the operating codifier is an antiquated and eccentric character of the name of Field,—an angle of the quadrangle of Fields, of whom one sits on the bench, one bestrides the elevated railroad, one stands in a pulpit, and one is at the bar—now arraigned here at this bar. I find no fault with his codifying mania, believing that codification is every way desirable. But the codifier should possess something more than technical skill; he must be a man of luminous mind, of fine sense of equity, of power to seize the spirit of laws, of faith in right and man's rights, and of proper appreciation of the institutions and franchises of freedom among the people, for whom the laws were made and for whom the code is to be law. Now David Dudley Field is not such a man; and this code now before me is the all-sufficient evidence that he is not. Competent critics tell me that the greater part of the code is well enough, and that, considering the material out of which it is made, it must, in the nature of things, be well enough; but yet there is poison in it, the poison of the libericide—poison for the fundamental rights of society, respecting speech, meeting, combination for a general purpose, and co-operation for the common welfare. We raise our voice to-night against the presence of this poison in the body corporate

Ill-Timed Mercy.

The following article, intrinsically excellent, is the more remarkable because coming from a daily journal of no less influence and extended circulation than the Boston "Globe." The reader, however, should bear in mind that the Red Cross Society of Geneva is a very different affair from the Red Cross Society of the People's Will, the latter being established, not, as the former is, by tyrants to alleviate the sufferings of the poor fellows whom they force into the field to fight their battles for them, but by the people to alleviate the sufferings of such voluntary champions of their rights as have incurred the vengeance of the tyrants.

What grim absurdity there is in the adoption by the principal governments of the world of the articles submitted by the Geneva Convention! The Society of the Red Cross is a praiseworthy institution in itself, and its purpose is one that appeals to the best impulses of humanity. Heroic men and women devote themselves to the noble work of mitigating the horrors and suffering caused by the tyranny and insatiable rapacity of the few who assume the right to control their millions of fellow-creatures. What a ghastly satire it is when the men who call themselves rulers meet and draw up, with great care and much pretence of charitable zeal, a grave agreement not to interfere with the binding up of the wounds they inflict. England, France, Germany, Turkey, are preparing their infernal machinery for blowing off arms and legs, smashing skulls, wounding, maiming, killing men who know not what they may be fighting for, and at the same time solemnly agreeing to tenderly pick up and care for the shattered wrecks of human beings from their fields of slaughter.

Article 5 of the Geneva Convention contains the very essence of sardonic humor. Inhabitants of the country who may bring help to the wounded shall be respected and shall remain free. The generals of the belligerent powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity and of the neutrality which will be the consequence of it. The generals, whose sole business is to devise the most effective methods of consigning the greatest possible numbers of men to the pains and torments of that hell upon earth, a modern battlefield, shall appeal to the humanity of those who providentially avoid their mangling machinery, and assure them that they may repair what injury they can without fear of molestation.

But this all tends to make war less horrible, it will be urged by many. It merely makes war, that sum of all vilanies, more horribly grotesque. It is like putting salve on the sabre that slashes a soldier's face. Instead of making such elaborate preparations to bandage broken heads and holding conventions to construct appeals to the humanity of other people, the gentlemen who run the governments of the world had better stop breaking heads, and turn their attention to preventing organized murder. If the governments that hypocritically assent to the articles of the Geneva Convention were not in existence, there would be no necessity for a Society of the Red Cross.

A Meaningless Memorial.

The following is an extract from a private letter written on Decoration Day by P. J. Healy of San Francisco to Dr. J. H. Swain of this city. It is printed here in the hope that some of those who annually decorate the graves of the soldiers who died to save this despicable Union may be awakened to a sense of their idleness and folly by this interpretation of the language of their flowers.

While the pot-house patriots of the United States are decking the graves of the dead slaves with floral offerings, let the living, thinking men of today commune with each other. We wonder whose interest it is to commemorate these occasions. What did the poor, blind fools die for? A country? We have none. We have a territory, but no country. Witness our position at the Court of St. James,—Lowell, the poet of Liberty in America, pandering to, defending, and excusing despotism in England! See how we are humiliated in South America. Not even Tresco can extricate us. A constitution, you say, we may have preserved by soaking it in a sea of blood. No, not even that. Your organic law is unable to solve the Mormon difficulty in accordance with religious freedom. It shrinks at the approach of the Asian, and it is doubtful if it could stand another strain such as the Hayes and Tilden disgrace. But we are drifting along, the wisest of statesmen trusting to accident; no definite policy, no principle, no tradition of Liberty that has not been violated. Well, let them drift on! The irrevocable logic of events will teach them wisdom, may-be too late.

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